

**DURHAM, NORTH CAROLINA  
MONDAY, MAY 6, 2013  
7:00 p.m.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor William V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Don Moffitt and Steve Schewel. Absent: Council Member Howard Clement, III. Excused Absence: Council Member Diane Catotti.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation followed by the pledge of allegiance led by Council Member Brown.

Mayor Bell and Council Member Schewel read the following proclamations:

May 9, 2013 - Children's Mental Health Awareness Day presented to Teka Dempson, Lead Family Partner Coordinator for Durham County who thanked Council for the recognition.

May 18, 2013 - National Kids to Parks Day presented to Parks and Recreation Director Rhonda Parker asking everyone to participate in the Bimbe Festival.

May 2013 - Older Americans' Month presented to representatives [Rhonda Parker and Sarah Hogan] from the Parks and Recreation Department. Comments were made recognizing citizens 55 and older and referencing events planned for this recognition. Dr. Louise Gooch, Team Captain of the Durham Divas recognized DIVAS present at the meeting and invited everyone to attend a documentary taping on May 8<sup>th</sup> featuring the Durham Divas.

May 2014 - Genocide Prevention Awareness Month presented to President Ashley Jowell of the Durham Academy Stand Club. She outlined the purpose of the club and noted this is the first step in raising awareness of this issue. Mayor Bell asked that this proclamation be recognized annually.

May 12-18, 2013 - National Police Week presented to Police Chief Lopez and a member of the Durham Fraternal Order of Police who thanked everyone for their support.

May 5-11, 2013 - National Drinking Water Week presented to Water Management Director Don Greeley who made comments on behalf of the water department thanking everyone for recognizing the vital role that safe drinking water plays in all our lives.

Mayor Bell recognized the following local and state winners of the Water Conservation Poster Contest:

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Winning entries in the grades K-2 division:

- Emma Burson, 2nd Grade, Trinity School of Durham – First Place
- Ellie O’Connell, 2nd Grade, Immaculata Catholic School – Second Place
- Ava Astilla, 2nd Grade, Immaculata Catholic School – Third Place (tie)
- Weezie Broughton, 2nd Grade, Trinity School of Durham – Third Place (tie)

Winning entries in the grades 3-5 division:

- Helene Worthington, 4th Grade, Durham Academy – First Place
- Caroline Aldridge, 4th Grade, Durham Academy – Second Place
- Noor Baruah Jerath, 4th Grade, Montessori Community School – Third Place

Winning entries in the grades 6-8 division:

- Tyara Brand, 6th Grade, Lowes Grove Middle School – First Place
- Chelsea Castor, 8th Grade, Immaculata Catholic School – Second Place
- Brandy Rodriguez, 6th Grade, Carrington Middle School – Third Place

State Level 3-5 division winners:

- Caroline Aldridge, 4th Grade, Durham Academy – First Place
- Helene Worthington, 4th Grade, Durham Academy – Second Place
- Noor Baruah Jerath, 4th Grade, Montessori Community School – Third Place

State Level 6-8 division winners:

- Tyara Brand, 6th Grade, Lowes Grove Middle School – First Place
- Brandy Rodriguez, 6th Grade, Carrington Middle School – Second Place
- Chelsea Castor, 8th Grade, Immaculata Catholic School – Third Place

Finally, Mayor Pro Tempore Cole-McFadden read a proclamation recognizing May 2013 as Women’s Health Month presenting to Del Mattioli of Mattioli & Associates asking women to take better care of their health.

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk.

City Manager Bonfield stated the motion and recommendation for Consent Agenda Item #13 [Completion of Street in Dunwoody Subdivision] has been revised.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to accept the City Manager’s priority item was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

City Attorney Baker reported that there has been a revision [Attachment 14] to the upset bid resolution for Consent Agenda Item #11 [Lease Agreement for the Durham Bulls Athletic Park and Development Agreement Between City of Durham and Durham Bulls Baseball Club, Inc.]

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and requested a closed session regarding an attorney/client consultation pursuant to G. S. 143.318.11(a) (3) at the conclusion of the City Council Meeting.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to accept the City Attorney's priority items was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

There were no priority items by the City Clerk.

Mayor Bell explained that the Consent Agenda is approved with a single motion and items pulled from that agenda by any citizen or council member will be discussed at the end of the agenda. No items were pulled from the Consent Agenda.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to approve the Consent Agenda was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**[CONSENT AGENDA]**

**SUBJECT: Approval of City Council Minutes**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to approve City Council minutes for the March 18, 2013 City Council Meeting, March 21, 2013 City Council Work Session and April 1, 2013 City Council Meeting was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**SUBJECT: Workforce Development Board - Appointments**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to appoint Wade Smedley and Kara A. Taff to the Workforce Development Board representing Private Sector with the terms to expire on June 30, 2015 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**SUBJECT: Durham Planning Commission - Appointments**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to reappoint Rebecca M. Winders and to appoint Eliee Francie Bielen and Will Lambe to the

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Durham Planning Commission with the terms to expire on June 30, 2016 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**SUBJECT: Durham City-County Appearance Commission - Appointments**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to reappoint Natasha Harris Smith and to appoint Douglas Reid Dorney, Jr. to the Durham City-County Appearance Commission with the terms to expire on April 1, 2016 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**SUBJECT: Bid Report - March 2013**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of March 2013 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

Date: March 25, 2013

To: Thomas J. Bonfield, City Manager

Through: Wanda S. Page, Deputy City Manager

From: David Boyd, Finance Director  
Lynette McRae, Purchasing Supervisor

Subject: Bid Report – March 2013

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of March 2013.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. Bid: Mobile Ruggedized Computers

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Purpose of Bid: To purchase Panasonic Toughbook laptop computers to be installed in police vehicles.

Comments: 20 @ \$2,387.00/each

Opened: February 25, 2013

Bidders:	CDW Government, Inc.	* \$47,740.00
	Chicago, IL	
	Insight Public Sector, Inc.	\$48,970.00
	Tempe, AZ	
	Preferred Communications, Inc.	\$52,263.80
	Butner, NC	

\*Awarded based on:  X  Low Bid   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	6,173		# Black Males	238	4%
Total # Females	1,759	28%	# White Males	3,391	55%
Total # Males	4,414	72%	# Other Males	785	13%
			# Black Females	127	2%
			# White Females	1,318	21%
			# Other Females	314	5%

2. Bid: Cellwatch Battery Monitoring System

Purpose of Bid: To provide and install Cellwatch battery monitors and accessories in Emergency Communications (911).

Comments: Eaton Corporation is the sole source provider for the Cellwatch Battery System.

Opened: February 26, 2013

Bidders:	Eaton Corp.	* \$48,185.00
	Chicago, IL	

\*Awarded based on:   Low Bid  X  Other (See Comments)

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WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	7		# Black Males	0	0%
Total # Females	1	14%	# White Males	5	72%
Total # Males	6	86%	# Other Males	1	14%
			# Black Females	0	0%
			# White Females	1	14%
			# Other Females	0	0%

3. Bid: Gas Monitors Equipment & Parts

Purpose of Bid: To provide Water Management with replacement gas monitoring equipment and parts for North and South Durham WRF.

Comments: Beck Sales & Engineering is the regional distributor for Mine Safety Appliance equipment.

Opened: March 1, 2013

Bidders: Beck Sales & Engineering, Inc. \* \$14,204.00  
Charlotte, NC

\*Awarded based on: \_\_\_\_ Low Bid     X  Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	932		# Black Males	11	1%
Total # Females	344	37%	# White Males	550	59%
Total # Males	588	63%	# Other Males	27	3%
			# Black Females	10	1%
			# White Females	325	35%
			# Other Females	9	1%

4. Bid: Stairwell Flooring

Purpose of Bid: To provide and install stair treads and carpet for stairwell "C" in City Hall. General Services handled this bid.

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**Comments:**

Opened: March 8, 2013

Bidders: Bonitz Flooring, Inc. \* \$16,853.00  
Raleigh, NC  
ProFloors, Inc. \$19,140.00  
Clayton, NC

\*Awarded based on:  X  Low Bid   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	409		# Black Males	33	8%
Total # Females	51	12%	# White Males	277	68%
Total # Males	358	88%	# Other Males	48	12%
			# Black Females	7	1%
			# White Females	44	11%
			# Other Females	0	0%

5. Bid: Paxton Security and Door Access Equipment

Purpose of Bid: To provide the Parks & Recreation Department with a security system for various DPR facilities.

Comments: The Paxton System integrates and matches existing security door access equipment currently in use at other City facilities.

Opened: March 7, 2013

Bidders: Security Integration Group, Inc. \* \$10,218.00  
Durham, NC

\*Awarded based on:   Low Bid  X  Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

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Total Workforce	2		# Black Males	0	0%
Total # Females	0	0%	# White Males	2	100%
Total # Males	2	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

6. Bid: Kewanee Boiler

Purpose of Bid: To re-tube a Kewanee Boiler at the Police Department Headquarters Building.

Comments:

Opened: February 28, 2013

Bidders:	Joe Moore & Company, Inc.	* \$14,273.00
	Raleigh, NC	
	W.C. Rouse & Son, Inc.	\$19,315.00
	Durham, NC	

\*Awarded based on:  X  Low Bid      Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	24		# Black Males	7	29%
Total # Females	5	21%	# White Males	10	42%
Total # Males	19	79%	# Other Males	2	8%
			# Black Females	1	4%
			# White Females	4	17%
			# Other Females	0	0%

7. Bid: Fuel Level Monitor System

Purpose of Bid: To furnish and install a Fuel Level Monitoring System on the fuel tanks at DATA.



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**Comments:**

Opened: March 13, 2013

Bidders: SouthEastern Petroleum Systems \* \$14,731.35  
Charlotte, NC  
Goenergies \$17,309.94  
Wilmington, NC

\*Awarded based on:  X  Low Bid   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	27		# Black Males	1	3%
Total # Females	4	15%	# White Males	22	82%
Total # Males	23	85%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	4	15%
			# Other Females	0	0%

8. Bid: Preformed Street Signs

Purpose of Bid: To provide the Transportation/Sign Shop with High Intensity  
Preformed Street Signs (stop, yield, etc.) and blanks.

**Comments:**

Opened: March 13, 2013

Bidders: Vulcan Signs, Inc. \* \$17,922.62  
Foley, AL  
Korman Signs, Inc. \$20,086.00  
Richmond, VA  
Newman Traffic Signs \$20,453.28  
Jamestown, ND

\*Awarded based on:  X  Low Bid   Other (See Comments)

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**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	177		# Black Males	41	23%
Total # Females	26	15%	# White Males	103	58%
Total # Males	151	85%	# Other Males	7	4%
			# Black Females	5	3%
			# White Females	20	11%
			# Other Females	1	1%

The Small Disadvantaged Business Enterprise data base was used in the solicitation of bids for these items.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

**SUBJECT: Bid Report - February 2013**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of February 2013 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

Date: April 22, 2013

To: Thomas J. Bonfield, City Manager

Through: Wanda S. Page, Deputy City Manager

From: David Boyd, Finance Director  
Lynette McRae, Purchasing Supervisor

Subject: Bid Report – February 2013

**Recommendation**

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of February 2013.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

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1. Bid: Durham Station Painting and Wallpaper

Purpose of Bid: To paint and wallpaper the Durham Station. General Services handled this bid.

Comments:

Opened: January 30, 2013

Bidders:	Home Coatings	* \$12,250.00
	Durham, NC	
	Hansell Painting Company	\$16,275.00
	Durham, NC	

\*Awarded based on:  X  Low Bid   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	9		# Black Males	1	11%
Total # Females	1	11%	# White Males	1	11%
Total # Males	8	89%	# Other Males	6	67%
			# Black Females	0	0%
			# White Females	1	11%
			# Other Females	0	0%

2. Bid: 4G Factory Field Installation

Purpose of Bid: To provide Technology Solutions with 4 "Gigabyte Disk Array Enclosure". This is a transfer and storage service that is required for TS to switch the City's e-mail system from Microsoft Exchange 2003 software to Microsoft Exchange 2010 software.

Comments:

Opened: January 31, 2013

Bidders:	Internetwork Engineering	* \$46,620.00
	Charlotte, NC	
	NWN Corporation	\$49,410.25
	Lexington, KY	

\*Awarded based on:  X  Low Bid   Other (See Comments)

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WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	75		# Black Males	1	1%
Total # Females	19	25%	# White Males	54	73%
Total # Males	56	75%	# Other Males	1	1%
			# Black Females	1	1%
			# White Females	17	23%
			# Other Females	1	1%

3. Bid: Dechlorinator Diffusers

Purpose of Bid: To provide Water Management/Distribution Collection with dechlorinator diffuser attachments for the distribution of potable water.

Comments: 14 @ \$755.75/each

Opened: February 5, 2013

Bidders:	TEC Utilities Supply, Inc.	* \$10,580.50
	Garner, NC	
	HD Supply Waterworks, Ltd.	\$10,751.02
	Morrisville, NC	
	Pollard Water, Inc.	\$11,004.00
	New Hyde Park, NY	

\*Awarded based on:  X  Low Bid   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	22		# Black Males	0	0%
Total # Females	3	14%	# White Males	19	86%
Total # Males	19	86%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	14%
			# Other Females	0	0%

4. Bid: Satellite Orthoimagery Mapping Service

Purpose of Bid: To provide the Public Works Department with an updated 50cm resolution 4-band multispectral, custom satellite imagery of the City of Durham.

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Comments: eMap International is the only known source for this product.

Opened: February 7, 2013

Bidders: eMap International \* \$22,985.00  
Brevard, NC

\*Awarded based on: \_\_\_\_\_ Low Bid   X   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	5		# Black Males	0	0%
Total # Females	4	80%	# White Males	1	20%
Total # Males	1	20%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	4	80%
			# Other Females	0	0%

5. Bid: Mixer Pumps

Purpose of Bid: To provide Water Management/Pump Station Maintenance with Sulzer ABS Mixer Pumps. ABS refers to the original manufacture and brand name of the mixer pumps. The original manufacture was ABS Pumps, Inc., but they were bought by Sulzer Pumps USA, Inc. The industry now refers to them as Sulzer/ABS brand pumps.

Comments: Pete Duty & Associates is the regional authorized distributor for Sulzer brand equipment.

2 @ \$5,536.00/each

Opened: February 8, 2013

Bidders: Pete Duty & Associates, Inc. \* \$11,072.00  
Hillsborough, NC

\*Awarded based on: \_\_\_\_\_ Low Bid   X   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	17		# Black Males	0	0%
Total # Females	4	24%	# White Males	13	76%
Total # Males	13	76%	# Other Males	0	0%

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# Black Females	0	0%
# White Females	4	24%
# Other Females	0	0%

6. Bid: One (1) Ford F250 4x4 Truck Cab & Chassis

Purpose of Bid: To provide Water and Sewer Maintenance with a utility truck for on-call sewer repairs.

Comments: A separate truck body will be mounted to this cab & chassis.

Opened: February 8, 2013

Bidders:	University Ford	* \$24,120.00
	Durham, NC	
	Piedmont Truck Center, Inc.	\$25,290.00
	Greensboro, NC	

\*Awarded based on:   X   Low Bid        Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	132		# Black Males	16	12%
Total # Females	19	14%	# White Males	97	73%
Total # Males	113	86%	# Other Males	0	0%
			# Black Females	1	1%
			# White Females	18	14%
			# Other Females	0	0%

7. Bid: Arbor and Pergola Kit

Purpose of Bid: To purchase and install an Arbor and Pergola.

Comments: Southern Woodcraft & Design is the sole provider for this Arbor and Pergola Kit. General Services handled this bid.

Opened: February 11, 2013

Bidders:	Southern Woodcraft & Design	* \$21,136.50
	Oxford, NC	

\*Awarded based on:        Low Bid   X   Other (See Comments)

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WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	10		# Black Males	0	0%
Total # Females	3	30%	# White Males	3	30%
Total # Males	7	70%	# Other Males	4	40%
			# Black Females	0	0%
			# White Females	3	30%
			# Other Females	0	0%

8. Bid: Skid-Steer Tractor Brush and Tree Cutter

Purpose of Bid: To provide Water Management/Facilities Maintenance with a skid-steer tractor brush & tree cutter.

Comments:

Opened: February 12, 2013

Bidders:	CCS Equipment Sales, LLC	* \$10,189.00
	Youngsville, NC	
	TC Corriher Implement Co., Inc.	\$11,999.00
	Newton, NC	
	Skid Steer Solutions, Inc.	\$13,354.00
	Bellingham, WA	

\*Awarded based on:   X   Low Bid          Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	15		# Black Males	1	7%
Total # Females	1	7%	# White Males	13	86%
Total # Males	14	93%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	7%
			# Other Females	0	0%

9. Bid: One (1) Extended Cab 4x4 Pickup Truck

Purpose of Bid: To provide Water Management/Distribution Collection with a 4x4 Extended Cab Pickup Truck (6500 GVWR).

Comments:

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Opened: February 25, 2013

Bidders: Capital Ford, Inc. \* \$24,675.00  
Raleigh, NC  
University Ford, Inc. \$25,290.00  
Durham, NC

\*Awarded based on:  X  Low Bid   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	321		# Black Males	81	25%
Total # Females	53	17%	# White Males	167	52%
Total # Males	268	83%	# Other Males	20	7%
			# Black Females	7	2%
			# White Females	46	14%
			# Other Females	0	0%

10. Bid: Sewer Flush and Vacuum Truck

Purpose of Bid: To provide Public Works/Stormwater Maintenance with a Sewer Flush Truck for clearing blocked stormwater sewer drains and pipes.

Comments: Pricing from National Joint Powers Alliance (NJPA) Co-Operative Term Contract #031710-GRD.

Opened: May 27, 2010

Bidders: Gradall Industries, Inc. \* \$293,975.87  
Philadelphia, OH

\*Awarded based on:   Low Bid  X  Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	310		# Black Males	4	1%
Total # Females	28	9%	# White Males	276	89%
Total # Males	282	91%	# Other Males	2	1%
			# Black Females	0	0%
			# White Females	27	8%



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# Other Females	1	1%
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11. Bid: Digester Pump

**Purpose of Bid:** To provide Water Management with a Digester Pump for the South Durham WRF.

Comments: ITT Corporation is the sole manufacturer of AC (Allis-Chalmers) brand pumps and only sells direct to government agencies.

Opened: February 22, 2013

Bidders: ITT Corporation \* \$24,401.08  
Charlotte, NC

\*Awarded based on:      Low Bid   X   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	104		# Black Males	6	6%
Total # Females	29	28%	# White Males	65	62%
Total # Males	75	72%	# Other Males	4	4%
			# Black Females	5	5%
			# White Females	22	21%
			# Other Females	2	2%

The Small Disadvantaged Business Enterprise data base was used in the solicitation of bids for these items.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

**SUBJECT: Street Acceptances - Thompson Ridge – Phases 1A, 1B, 2, 3 and 4 – American Village Phase 2**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to accept the streets as listed for maintenance by the City of Durham was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

## Thompson Ridge – Phases 1A, 1B, 2, 3 and 4

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- 1) Constitution Drive – from the southern curb line of Neal Road south to the end of new construction north of McKinley Street (2,846'), and
- 2) Liddington Drive – from the end of existing construction west through the cul-de-sac (146').

American Village – Phase 2

- 1) Constitution Drive – from the beginning of new construction north of McKinley Street south to the beginning of existing roadway (122').

**SUBJECT: Amendment to the Substance Abuse and Mental Health Services Administration Grant Project Ordinance #14292 and Contract with Alliance Behavioral Healthcare**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to authorize the City Manager to accept the SAMHSA grant as a sub-recipient through Alliance Behavioral Healthcare by adopting the amended FY13-14 Grant Project Ordinance in the amount of \$75,000.00 superseding Grant Project Ordinance #14292; and

To authorize the City Manager to execute a contract with Alliance Behavioral Healthcare in an amount not to exceed \$60,000.00 to further implement the pilot employment and training program for youth enrolled in the SAMHSA funded program was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**Ordinance #14442**

**SUBJECT: CIP Ordinance Amendment to Create Durham Bulls Athletic Park Improvements Capital Project**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to adopt an ordinance creating a new capital project for the Durham Bulls Athletic Park to address the existing maintenance needs as well as improvements to the ball park was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**Ordinance #14443**

**SUBJECT: Intergovernmental Agreement with the U.S. Geological Survey for Operation and Maintenance of the City of Durham Rainfall and Streamflow Network**

**MAY 6, 2013**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to authorize the City Manager to execute an intergovernmental agreement with the U.S. Geological Survey for the continued operation of the automated rainfall and streamflow monitoring network for an amount not to exceed \$84,800.00 in fiscal year 2014 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**SUBJECT: Completion of Street in Dunwoody Subdivision**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to direct the Public Works Department to hold a public hearing to order the improvements to complete the street in Dunwoody Subdivision by assessment with a \$8,100.00 City contribution was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**SUBJECT: FY 2013-2014 Proposed Water and Sewer Rates**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to adopt an Ordinance to Change Rates for Water and Sewer Service pursuant to City of Durham Code of Ordinances Section 70-51(a)(1); Chapter 15 of the Fee Schedule for the City of Durham; Part 15-104, (a) INSIDE CITY (1) Residential, (3) Non-residential, (4) Fixed Consumption Charge and (5) Service Charge and (b) OUTSIDE CITY (1) Residential, (3) Non-residential, (4) Fixed Consumption Charge and (5) Service Charge, effective July 1, 2013, applied to all bills rendered on or after August 1, 2013 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**Ordinance #14444**

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: Durham Performing Arts Center (DPAC) Operating Agreement - Durham Performing Arts LLC, JN America LLC [Nederland] and Professional Facilities Management, Inc.**

To authorize the City Manager to execute an agreement with Durham Performing Arts LLC, JN America LLC, and Professional Facilities Management, Inc. for the Purpose of Operating the Durham Performing Arts Center.

**MAY 6, 2013**

City Manager Bonfield briefed Council on this item. He stated this item is the recommendation for the modification and extension to the operating agreement for the Durham Performing Arts Center with Durham Performing Arts LLC, JN America LLC [Nederlander] and Professional Facilities Management, Inc. He referenced discussion that took place at the Work Session, stated that the DPAC is about to complete its fifth year of the operation, most of which have been extremely successful, all of which have been successful. As a result of our experiences during this period of operation, our relationship and confidence in the operator--staff is recommending some modifications, both operationally in terms of how items are accounted for, in terms of maintenance and expenses and how the operating profits are modified in an effort to further incentivize the outstanding performance that has been experienced. During the work session, there were concerns raised regarding one of the provisions of the incentive at the \$2 million level which has been revisited and renegotiated and an alternate incentive provision has been provided at the \$3 million level.

Mayor Bell stated he feels more comfortable with the agreement specifically regarding the gap the City Manager has indicated has been filled and commented on how important it was for this partnership to continue.

Mayor Pro Tempore Cole-McFadden shared information on the economic impact of the Durham Performing Arts Center on the City of Durham.

Council Member Moffitt felt that the new agreement that has been reviewed over the last few days is a fairer split of the shares and commented on how fortunate it is to have such a great operator as a partner.

Council Member Brown spoke in support of changes that have been made to this agreement.

Council Member Schewel made comments on how this agreement has been improved based on important questions raised by his colleagues. He stated they got something that's really going to be great for a long time.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to authorize the City Manager to execute an agreement with Durham Performing Arts LLC, JN America LLC, and Professional Facilities Management, Inc. for the Purpose of Operating the Durham Performing Arts Center was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

Len Singleton, CEO/President of PFM, thanked Council for their vote of confidence and he said he looks forward to numerous good years.

**SUBJECT: Lease Agreement for the Durham Bulls Athletic Park (DBAP) and Development Agreement between City of Durham and the Durham Bulls Baseball Club, Inc.**

**MAY 6, 2013**

General Services Director Joel Reitzer stated this item is regarding the lease of the Durham Bulls Athletic Park and development agreement. He said the City's lease with the Durham Bulls expires in 2015 and referenced negotiations held with the Durham Bulls to address new lease terms and a program for delivery of the necessary deferred maintenance and new capital improvements at the ballpark. The results of the negotiations include a new 20-year lease agreement and a development agreement. He reported that the lease agreement would be effective January 1, 2014 and includes two five-year options to renew. The new lease would require the Bulls to be responsible for all operating costs and expenses, revenues received will generate revenue streams to provide for debt service and capital improvements. City general funds are no longer required to support the ball park day-to-day operations and the Club will pay a base rent of \$125,000 per year, plus applicable additional rent per the lease contract that has been negotiated. The Club will pay for utilities and will be responsible for the implementation of a preventive maintenance plan and all repair and maintenance up to \$200,000 per year that would be adjusted with CPI. Leases over 10 years, such as this, require the City to follow the statutory upset bid process.

He stated the development agreement would serve as a road map for implementation of the deferred maintenance and new improvements at the Ballpark. The development agreement includes \$6 million of deferred maintenance work which would be coordinated by the Bulls Club organization and the City will cooperate with that and pay \$6 million of new improvements which also would be coordinated by the Bulls and the City. He stated the City's responsibility for all these improvements both deferred maintenance and new improvements would be capped at \$12 million and the Club will pay any costs in excess of \$12 million of improvements that are outlined. The City will contract for design services with Roughton, Nickelson, DeLuca and Construction Management at Risk Services with Lend Lease. He stated the City will also provide the direct purchase in order to accelerate items such as the new ball park lights and ball park seats. Finally, he stated the Club's minimum investment in the ball park in capital improvements would be \$2 million.

Finance Director David Boyd gave a summary of the net impact of the revised revenue model on the City's general fund.

Mayor Bell stated that this is a partnership that has been built on trust and experience with this Club and organization.

Mayor Pro Tempore Cole-McFadden shared information on the economic impact of the Durham Bulls Baseball Club in the City of Durham.

Council Member Schewel thanked the City Manager, staff, and partners for their work on this item and in moving something forward that is really important for our community over the long term.

Council Member Moffitt stated that this is an excellent arrangement for the City to be in.

City Attorney Baker recognized Fred Lemar for his work relating to DPAC and DBAP.

**MAY 6, 2013**

Council Member Brown thanked everyone for their leadership regarding DPAC and DBAP and stated these public buildings enhance the livability of our City.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt a Resolution that authorizes the City Manager to advertise for upset bids in accordance with G.S. 160A-269 for the lease of the Durham Bulls Athletic Park located at 409 Blackwell Street and provides that if no upset bids are received, the City Manager may accept the offer from the Durham Bulls Baseball Club, Inc. to lease the Durham Bulls Athletic Park located at 409 Blackwell Street for an initial term of 20 years effective January 1, 2014, with options to renew for two additional 5-year terms at a rate subject to adjustment according to the contract;

To authorize the City Manager to execute the Lease Agreement for the Durham Bulls Athletic Park located at 409 Blackwell Street with the Durham Bulls Baseball Club, Inc., if no upset bid is received, for an initial term of 20 years effective January 1, 2014, with options to renew for two additional 5-year terms at a rate subject to adjustment according to the contract;

To authorize the City Manager to execute a development agreement with the Durham Bulls Baseball Club, Inc. for deferred maintenance and new improvements at the Durham Bulls Athletic Park with the City's contribution capped at \$12 million, pursuant to the terms and conditions outlined in the development agreement;

To adopt a Resolution Exempting the Durham Bulls Athletic Park Project from G.S. 143-64.31;

To authorize the City Manager to negotiate and execute a professional services contract with Roughton, Nickelson, DeLuca, PA for the design of repairs and renovations for the Durham Bulls Athletic Park in an amount not to exceed \$725,580.00; and

To authorize the City Manager to negotiate and execute a CMAR contract with Lend Lease (US) Construction, Inc. for preconstruction and construction services, (including early bid packages) so long as the City's total financial obligation under the CMAR contract, plus architectural services contract, plus direct City purchases does not exceed 12 million was approved at 8:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**Resolution #s 9855 and 9856**

Michael Goodmon, representing the Durham Bulls organization, thanked Council, the City Manager and Mike Hill for their work and support on this item and stated that he is proud to be a part of the Durham community.

**SUBJECT: 2013 First Quarter Crime Summary Report**

To receive the Durham Police Department's 2013 First Quarter Crime Summary Report.

**MAY 6, 2013**

Durham Police Chief Jose Lopez stated that the Durham Police Department's 2013 First Quarter Crime Summary Report covers the department's six performance measures—violent crime, property crime, part I index crime, clearance rates, response times to priority I calls and staffing levels. He noted the executive summary includes additional information about the significant accomplishments and highlights during the first quarter. He gave a power point presentation highlighting the following:

**2013 1<sup>st</sup> Quarter Highlights**

- 14-Year Low in Part 1 Crime
- Significant Robbery Arrests
- New District 4 Substation
- New Property & Evidence Location

**Part 1 Index Crime**

- Total of property and violent crime
- Part 1 index crime down 4 percent in 1<sup>st</sup> quarter from 2012
- 14-Year 1<sup>st</sup> Quarter Low

**Part 1 Violent Crime**

- Homicides, rapes, aggravated assaults and robberies
- Down 12 percent in 1<sup>st</sup> Quarter
- Major robbery arrests - cleared 18 cases

**1<sup>st</sup> Quarter Part 1 Violent Crime – 3 Year Average**

**Part 1 Property Crime**

- Burglary, Larceny and Motor Vehicle Theft
- Down 3 percent in 1<sup>st</sup> Quarter
- Significant RAP burglary prevention results

**Part 1 Property Crime – 3 year average**

**Clearance Rate**

**Priority 1 Call Response Time**

- 4,815 Priority 1 calls from July 1, 2012 to March 31, 2013
- 5.9 minute average response time – Target is 5.8 minutes
- 54% under 5 minutes – Does not meet target of 57%

**Staffing Levels**

- Sworn – Fully Staffed
- Non-Sworn – 109/117 (93%)

**DPD's New Facebook Page**

**MAY 6, 2013**

Mayor Bell requested a breakdown of motor vehicle theft.

Council Member Schewel stated there is a need for an effective and well-funded Pre-Trial Program.

Council held discussion on clearance rates, motor vehicle theft increase, concern with youth arrest and juvenile petition, firearm violations by 15-year-olds, robberies committed by the same person, burglary, RAP program and copper theft. The City Council commented on the recent police memorial service and congratulated Officer Timothy Duke for saving a six-month-old child.

**Note:** No action was taken by the Council on this item.

**[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

**SUBJECT: Public Hearing for Confirmation of Assessment Rolls**

To conduct a public hearing to receive public comments on the Confirmation of Assessment Rolls for Donphil Road and Hursey Street; and

To adopt a resolution confirming each of the following assessment rolls:

Water Main on Donphil Road from Brenda Court to Gatewood Drive

Sewer Main on Hursey Street from Lynn Road East to City Limits Line

Due to objections, Nathan McHenry of the Public Works Department asked Council to adopt the resolution confirming assessment rolls for Hursey Street and Donphil Road except for the Sosha N. Gallego property on Donphil Road, continue the public hearing for this assessment without further advertising and refer this assessment objection to the June 17, 2013 City Council Meeting for further consideration.

Mayor Bell opened the public hearing. There being no further objections, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to adopt a resolution confirming each of the following assessment rolls except for the Sosha N. Gallego property on Donphil Road, continue the public hearing for this assessment without further advertising and refer this assessment objection to the June 17, 2013 City Council Meeting for further consideration was approved at 8:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.



**MAY 6, 2013**

Water Main on Donphil Road from Brenda Court to Gatewood Drive

Sewer Main on Hursey Street from Lynn Road East to City Limits Line

**SUBJECT: FY 2014 Stormwater Rate Increase**

To conduct a public hearing to receive comments on the FY 2014 Stormwater Rate Increase; and

To adopt an Ordinance to change the fee schedule revising stormwater rates effective July 1, 2013.

Assistant Director of Stormwater and GIS Services Paul Weibke briefed Council regarding the stormwater rate increase effective July 1, 2013. He reported the public notice and proposed rates were advertised in the Herald Sun April 17 – 24, 2013, posted on the City's website on April 8<sup>th</sup> and in the City Hall lobby on April 10, 2013. He stated the proposed rates will raise the annual stormwater fee for residential customers from a range of \$2.85 - \$11.82 per year and the proposed rate increase will generate slightly over \$1 million for capital improvement projects to go towards the Stage 1 reduction goals for Falls Lake and Jordan Lake.

Council Member Schewel asked staff is the City truly recovering its cost since our fees are lower than other jurisdictions.

Paul Weibke replied they are.

Mayor Pro Tempore Cole-McFadden noted a lot of people do not read the Herald-Sun and wanted to know if the public hearing for this item was advertised in the Carolina Times.

City Clerk Gray reported the City Clerk's Office advertises only for openings on boards and committees in the Carolina Times.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt an Ordinance to change the fee schedule revising stormwater rates effective July 1, 2013 was approved at 8:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**Ordinance #14445**

**SUBJECT: Update Fee Schedule for Water and Sewer Engineering Connection and Miscellaneous Fees**

**MAY 6, 2013**

To conduct a public hearing to receive comments on the proposed fee increases; and

To adopt an Ordinance Amending Chapter 13, Part 13B-109, (Water and Sewer Engineering Connections) of the City's Fee Schedule for all connections installed on or after October 1, 2013, as well as amending testing fees in Chapter 13, Part 13B-101 and initiation fees in Chapter 15, Part 15-102 for services rendered on or after July 1, 2013.

Water Management Director Don Greeley updated Council on the fee schedule for new water and sewer connection charges. He reported the proposed fees cover the City's costs for these new services and proposed fees would go into effect July 1, 2013.

Council Member Schewel asked staff is the City recovering its costs since our fees are lower than other municipalities.

Don Greeley replied yes.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to adopt an Ordinance Amending Chapter 13, Part 13B-109, (Water and Sewer Engineering Connections) of the City's Fee Schedule for all connections installed on or after October 1, 2013, as well as amending testing fees in Chapter 13, Part 13B-101 and initiation fees in Chapter 15, Part 15-102 for services rendered on or after July 1, 2013 was approved at 8:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**Ordinance #14446**

**SUBJECT: Update Water and Sewer Capital Facility Fees**

To conduct a public hearing to receive comments on the proposed fee changes; and

To adopt an Ordinance Amending Chapter 15, Part 15-103 (Capital Facilities Fees) of the City's Fee Schedule with an effective date of October 1, 2013.

Water Management Director Don Greeley stated this item relates to the update to the water and sewer capital facility fees which are charged to new resident, new homes and new businesses as they connect to the City and the effect of this charge covers the increased costs to build facilities to provide treatment—both on the water and wastewater side. He made comments on how the fees are set and addressed the question raised why City fees are lower.

Public Works Director Marvin Williams made comments on the stormwater rate projection.

**MAY 6, 2013**

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to adopt an Ordinance Amending Chapter 15, Part 15-103 (Capital Facilities Fees) of the City's Fee Schedule with an effective date of October 1, 2013 was approved at 8:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**Ordinance #14447**

**[CLOSED SESSION]**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to go into closed session regarding an attorney/client consultation pursuant to G. S. 143.318.11(a)(3) was approved at 8:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

**[OPEN SESSION]**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to return to open session was approved at 9:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Moffitt and Schewel. Noes: None. Absent: Council Member Clement. Excused Absence: Council Member Catotti.

There being no further business to come before the City Council, the meeting was adjourned at 9:50 p.m.

Linda E. Bratcher, CMC  
Deputy City Clerk

D. Ann Gray, MMC, NCCMC  
City Clerk